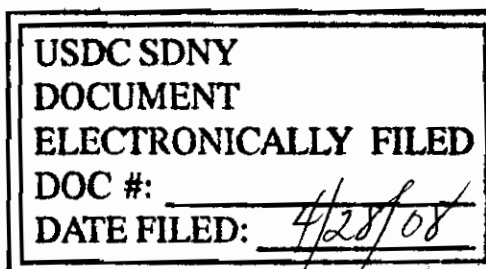


*Presico/T*

Jay B. Kasner  
Scott D. Musoff  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
Four Times Square  
New York, New York 10036  
(212) 735-3000



Attorneys for Defendant Merrill Lynch & Co., Inc. and  
Merrill Lynch, Pierce, Fenner & Smith Incorporated

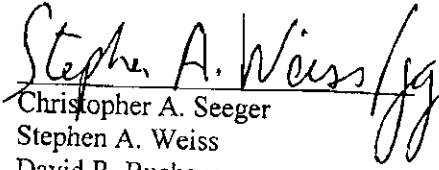
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

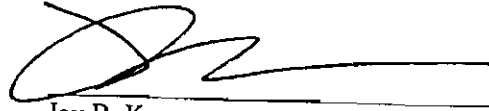
-----	x
Frederick Burton, Individually And On Behalf of All	:
Others Similarly Situated,	: 08 CV 03037 (LAP)
	:
Plaintiff,	:
	: <u>STIPULATION AND ORDER</u>
v.	:
	:
Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce,	:
Fenner & Smith, Inc.,	:
	:
Defendants.	:
-----	x

IT IS HEREBY STIPULATED AND AGREED by and between the  
undersigned counsel for the parties hereto that defendants' time to answer, move or  
otherwise respond to the complaint is extended to 60 days after the service of a  
consolidated amended complaint.

This is the first request for an extension of time by the parties.

Dated: New York, New York  
April 24, 2008

  
Christopher A. Seeger  
Stephen A. Weiss  
David R. Buchanan  
SEEGER WEISS LLP  
One William Street, 10th Floor  
New York, New York 10004  
(212) 584-0700

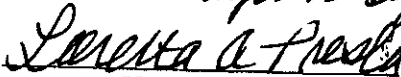
  
Jay B. Kasner  
Scott D. Musoff  
SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP  
Four Times Square  
New York, New York 10036  
(212) 735-3000

Attorneys for Plaintiff

Attorneys for Defendants Merrill Lynch &  
Co., Inc. and Merrill Lynch, Pierce, Fenner  
& Smith Incorporated

*To the extent that defendants deem the amended consolidated complaint to be deficient, they shall so notify plaintiff, describing the perceived deficiencies. Plaintiff shall, within a week thereof, inform defendants whether he wishes to stand on the amended consolidated complaint or amend on a final time. If plaintiff decides to stand on the amended consolidated complaint, no further amendments shall be permitted.*

SO ORDERED:

  
Loretta A. Preska  
U.S.D.J.

DATED: April 25, 2008